

Stephen W. Rupp, Trustee (2824)  
**McKAY, BURTON & THURMAN**  
15 West South Temple, Suite 1000  
Salt Lake City, UT 84101  
Telephone: (801) 521-4135  
Telefax: (801) 521-4252  
Email: [srupp@mbt-law.com](mailto:srupp@mbt-law.com)

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
DISTRICT OF UTAH, CENTRAL DIVISION**

---

In re:	:	Bankruptcy No. 21-24823 (Chapter 7)
BIANCA KAYLENE RUIZ,	:	
	:	Honorable William T. Thurman
Debtor.	:	

---

**MOTION FOR TURNOVER ORDER**

---

The Trustee in the above-captioned case, Stephen W. Rupp, hereby requests an order of the Court requiring that the debtor produce, surrender, turnover and provide to the Trustee property of the bankruptcy estate by a date certain. The Trustee requests that the debtor turnover a 2013 Audi A5 and its title or \$5,181.00, the debtor's scheduled value, less \$3,000.00 exemption. The Trustee also requests an order of the Court requiring that the debtor turnover \$2,400.00 (now \$2,350.00), the balance of the estate's portion of the debtor's 2021 tax refunds which the debtor received but has not yet turned over to the Trustee. The Trustee requests this relief under §521, §542 and §727 of the Bankruptcy Code, Rule 4002 of the Federal Rules of Bankruptcy Procedure and Local Rule 4002-1. The Trustee requests this relief for the following reasons:

1. The Trustee has previously requested or suggested by pleading and in writing that the debtor turnover the 2013 Audi A5 and its title or the amount of the non-exempt equity of the property. Despite these requests made by the Trustee, the debtor has yet failed to turnover the Audi and its title.

2. Rather than turnover the Audi, the debtor has filed a motion to compel abandonment or administration of the Audi.

3. In partial response to the debtor's motion to compel abandonment or administration, the Trustee hereby requests an order of the Court requiring that the debtor turnover and deliver the 2013 Audi or the \$5,181.00, the scheduled value less \$3,000.00 exemption, by a date certain.

4. The debtor has only turned over a \$6,050.00 portion of the debtor's 2021 tax refund. The bankruptcy estate's portion of the 2021 tax funds was approximately \$8,400.00.

5. To address this, the debtor and the Trustee entered into a prior agreement in or about March, 2022 according to which the debtor was to have repaid the estate's portion on or before December, 2022 by monthly payments of \$300.00 per month since April, 2022.

6. The debtor breached the agreement and has failed to turnover the balance of the bankruptcy estate's portion of the 2021 tax refunds as agreed.

7. Due to the debtor's circumstances and the debtor's request, the Trustee again agreed to give the debtor time in which to turnover the balance of the bankruptcy estate's portion of the 2021 tax refunds by making a small \$50.00 per month payment for the months of November, December, January, 2022 and February, 2021 and turning over the \$2,200.00 balance

in a lump sum on or before March 1, 2023. See Exhibit “A.” This agreement would enable the debtor to use her anticipated 2022 tax refunds to pay the balance of the amount owed to the bankruptcy estate.

8. As of the date of this motion, the debtor is current in making a monthly payment of \$50.00 for the month of November.

9. In view of the debtor’s efforts to move the administration of this estate forward and compel the Trustee to administer the bankruptcy estate, and even though there is an agreement for repayment, in order to implement the agreement and give teeth to any breach of the debtor under the agreement, the Trustee requests an order of the Court requiring that the debtor turnover \$2,400.00 on or before March 1, 2023. (The debtor has made one \$50.00 payment to date.)

WHEREFORE, the Trustee hereby requests an order of the Court requiring that the debtor turnover the 2013 Audi by a date to be fixed at hearing and/or \$5,181.00 by that same date and turnover to the bankruptcy estate the total of \$2,400.00 on or before March 1, 2023.

The Trustee notes that the Trustee intends to further respond to the debtor’s motion to compel abandonment on or before December 22, 2022, the deadline set by the debtor’s notice of hearing of the motion to compel abandonment.

DATED this 8<sup>th</sup> day of December, 2022.

McKAY, BURTON & THURMAN

By /s/ Stephen W. Rupp  
Stephen W. Rupp  
Attorneys for Chapter 7 Trustee

**CERTIFICATE OF SERVICE - BY NOTICE OF ELECTRONIC FILING (CM/ECF)**

I hereby certify that on December 8, 2022, I electronically filed the foregoing ***Motion For Turnover Order*** with the United States Bankruptcy Court for the District of Utah by using the CM/ECF system. I further certify that the parties of record in this case, as identified below, are registered CM/ECF users and will be served through the CM/ECF system.

United States Trustee USTPRegion19.SK.ECF@usdoj.gov

I hereby certify that on December 8, 2022, I caused to be served a true and correct copy of the foregoing ***Motion For Turnover Order*** as follows:

**Mail Service - By regular first class United States Mail, postage fully pre-paid, addressed to:**

**Bianca Kaylene Ruiz  
1353 West Bison Drive  
Riverton, UT 84065**

\_\_\_\_\_/s/ Karin Powell

**EXHIBIT "A"**

## Stephen Rupp

---

**From:** Bianca Ruiz <biancakayleneruiz@gmail.com>  
**Sent:** Friday, November 4, 2022 3:30 PM  
**To:** Stephen Rupp  
**Subject:** Re: 21-24823 Ruiz, Bianca  
**Attachments:** Screen Shot 2022-11-04 at 3.28.53 PM.png

Hi,

I set up an auto-pay for the \$50 per month.

On Thu, Nov 3, 2022 at 3:41 PM Stephen Rupp <SRupp@mbt-law.com> wrote:

>

> It's not necessary to come in and meet. We can negotiate by email. The problem with the TSP is if and when you'll get it. It seems you've been trying for 3 years.

> Perhaps we can agree to \$100 per month payments with a balloon payment on 3/1/23? That will give you opportunity to use any 2022 tax refunds. Any agreement will need be in writing. Any default will result in a money judgment for the balance owing at time of default and denial/revocation of discharge.

> Following today's conversation, I'll agree to \$50 per month payments. If you make \$50 per month payments for November, December, January and February, you'll owe \$2,200 on March 1, 2023.

> Please consider it.

>

> Stephen W. Rupp  
> McKay, Burton & Thurman  
> 15 West South Temple  
> Suite 1000  
> Salt Lake City, Utah 84101  
> (801)521-4135  
> (801)521-4252 (fax)  
> email: srupp@mbt-law.com

>

> -----Original Message-----

> From: Bianca Ruiz <biancakayleneruiz@gmail.com>

> Sent: Thursday, November 3, 2022 3:15 PM

> To: Stephen Rupp <SRupp@mbt-law.com>

> Cc: Karin Powell <KPowell@mbt-law.com>; Brian Porter

> <bporter@mbt-law.com>

> Subject: Re: 21-24823 Ruiz, Bianca

>

> Hi,

>

> Can I come in tomorrow and negotiate possibly? I need to adjust my exemptions, and since I don't have cash on hand, we could possibly use some of the TSP account?

>

> On Thu, Nov 3, 2022 at 11:40 AM Stephen Rupp <SRupp@mbt-law.com> wrote:

>>

>> Ms. Ruiz,

>>

>>

>>

>> It appears you're busy taking care of other aspects of your  
>> bankruptcy case, but failing to respond or address the \$2,400  
>> balance owed to the bankruptcy estate or the \$300 per month  
>> payments, now 7 months  
>> (\$2,100) in default. Will you stipulate to a money judgment for  
>> \$2,400 and denial/revocation of discharge? Or do we need to file an  
>> adversary proceeding against you? Please respond immediately. If we  
>> receive no response from you by Monday, November 7, we'll go ahead  
>> and prepare and file an adversary proceeding against you for the  
>> \$2,400 and denial/revocation of your discharge. Sorry it's come to  
>> this. We look forward to your response,

>>

>>

>>

>> Stephen W. Rupp  
>> McKay, Burton & Thurman  
>> 15 West South Temple  
>> Suite 1000  
>> Salt Lake City, Utah 84101  
>> (801)521-4135  
>> (801)521-4252 (fax)  
>> email: srupp@mbt-law.com

>>

>>

>>

>> From: Karin Powell <KPowell@mbt-law.com>  
>> Sent: Thursday, October 20, 2022 12:28 PM  
>> To: biancakayleneruiz@gmail.com  
>> Cc: Stephen Rupp <SRupp@mbt-law.com>  
>> Subject: RE: 21-24823 Ruiz, Bianca

>>

>>

>>

>> Bianca,

>>

>>

>>

>> As a reminder, we still have not received any payments towards the \$2,400.00 balance of the bankruptcy estate's portion of your tax refunds. Please catch up the \$300.00 per month payments or we will seek a money judgment and revocation of your discharge. Hopefully, we won't have to take that step. We look forward to getting your case back on track.

>>

>>

>>

>> From: Stephen Rupp <SRupp@mbt-law.com>  
>> Sent: Tuesday, June 14, 2022 3:25 PM  
>> To: Bianca Ruiz <biancakayleneruiz@gmail.com>; Karin Powell  
>> <KPowell@mbt-law.com>; Brian Porter <bporter@mbt-law.com>  
>> Subject: RE: 21-24823 Ruiz, Bianca

>>